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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT RONALD ELDON,

Defendant and Appellant.

2d Crim. No. B211927
(Super. Ct. No. 1283559)
(Santa Barbara County)

Robert Ronald Eldon appeals from the judgment entered on his plea of nolo contendere to felony driving under the influence of alcohol with priors (Veh. Code, §§ 23152, subd. (a), 23550, 23550.5.) He also admitted one prior conviction within the meaning of the Three Strikes law (Pen. Code, §§ 1170.12, subds. (a)-(d), 667, subds. (b)-(i)), and having served a prior prison term (Pen. Code, § 667.5, subd. (b)). He was sentenced to prison for three years eight months consisting of the low term for the offense doubled as a second “strike,” plus a one-year term for the prior prison term.

Police officers made a traffic stop of a vehicle appellant was driving, and determined he showed signs of intoxication. A blood alcohol test showed a blood alcohol level of 0.24 percent.

Appellant filed a notice of appeal and a request for a certificate of probable cause challenging the validity of his plea based on assertions of ineffective counsel. The trial court denied his request for the certificate of probable cause.

We appointed counsel to represent appellant in this appeal. After his examination of the record, counsel filed a brief raising no issues. On December 24, 2008, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished to raise on appeal. We received no response from him.

We have examined the entire record and are satisfied that appellate counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.) Appellant's claim of ineffective assistance of counsel must be rejected on appeal because the record does not indicate the basis for counsel's challenged actions. (*People v. Lopez* (2008) 42 Cal.4th 960, 966.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P.J.

YEGAN, J.

John McGregor, Commissioner
Superior Court County of Santa Barbara

California Appellate Project, Jonathan B. Steiner, Executive Director,
Richard Lennon, Staff Attorney, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.